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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 3rd October, 2018

+ **W.P.(C) 8319/2018 & CM Nos. 40942-40943/2018**

JALAJ SHRIVASTAVA

..... Petitioner

Through: **Mr. Sandeep Agarwal, Sr. Adv.
with Mr. Asutosh Lohia, Adv.**

versus

UNION OF INDIA & ORS

..... Respondents

Through: **Mr. Sanjay Jain, Sr. Adv. with
Ms. Sriparna Chatterjee and
Mr. Nirvikar Verma, Advvs. for
R-5/NDMC**

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (ORAL)

Learned Senior Counsel for the petitioner has sought to emphasise the fact that though the Central Administrative Tribunal may have jurisdiction in the matter, it has already decided similar issues, and moreover, the action of the respondents is *ex facie* arbitrary. In these circumstances, he submits, recourse to the jurisdiction of the Tribunal may be chimerical. He also sought to rely on the judgment of a Division Bench of this court in ***Meenu Tomar v. Registrar Cooperative Societies, (2016) 230 DLT 479*** which examined the entire law relating to the availability of alternate remedy as

a bar to exercise jurisdiction under Article 226 of the Constitution of India.

The issue here is not of alternate remedy, but of the proscription contained in para 93 of the judgment of the Supreme Court in *L. Chandra Kumar v. Union of India & Ors., (1997) 3 SCC 261* which bars this court from exercising jurisdiction, as a court of first instance, in any manner which is amenable to the jurisdiction of the Central Administrative Tribunal.

Learned Senior Counsel, at this stage, seeks to withdraw the writ petition with liberty to move to the Central Administrative Tribunal in appropriate proceedings. Leave and liberty is granted as prayed for. The writ petition is disposed of as withdrawn.

The next date of hearing in this case stands cancelled.

C.HARI SHANKAR, J

OCTOBER 03, 2018/kr